



**NAILAH K. BYRD**  
**CUYAHOGA COUNTY CLERK OF COURTS**  
1200 Ontario Street  
Cleveland, Ohio 44113

**Court of Common Pleas**

**New Case Electronically Filed: COMPLAINT**  
**March 8, 2021 08:27**

By: DAVID J. KOVACH 0021117

Confirmation Nbr. 2194221

MICHAEL CHAPA

CV 21 944853

vs.

**Judge:** DEBORAH M. TURNER

SHERWOOD TRANSPORTATION INC

Pages Filed: 5

**EXHIBIT**  
**A**

**IN THE COURT OF COMMON PLEAS  
CUYAHOGA COUNTY, OHIO**

**MICHAEL CHAPA  
1412a Heermann Ct.  
Sheboygan, WI 53081**

**Plaintiff,**

**v.**

**SHERWOOD TRANSPORTATION, INC.  
c/o BOBBY LIBSON, S.A.  
16625 Granite Road  
Maple Heights, OH 44137**

**Defendant.**

) **CASE NO.:**

) **JUDGE:**

) **COMPLAINT FOR MONEY DAMAGES**

) **(Jury Trial Demand Endorsed Hereon)**

For his Complaint against Defendant, Sherwood Transportation, Inc. (“Sherwood”) Plaintiff, Michael Chapa (“Chapa”), alleges that:

1. Chapa is a resident of the state of Wisconsin.
2. Chapa is an over-the-road truck driver.
3. Sherwood is a Michigan corporation, which conducts business in Ohio and other states under the name of “Sherwood Foods Distributors.”
4. One of the facilities from which Sherwood conducts business in Ohio is located at 16625 Granite Road, Maple Heights, Ohio (the “Maple Heights Facility”).
5. On April 16, 2019, in his role as an over-the-road truck driver, Chapa drove from Wisconsin to the Maple Heights Facility.
6. While Chapa was the premises of the Maple Height Facility, waiting for a space to open so that he could back his trailer to the dock before unloading it, Raymond P. Jenkins, Sr. (“Jenkins”), assaulted Chapa by slamming him to the ground.

7. When he assaulted Chapa, Jenkins was working for Sherwood, and was “on the clock.”

8. The assault was unprovoked and unjustified.

9. The assault caused Chapa to (a) suffer physical and emotional injuries and damage, including without limitation a (i) fractured finger, (ii) concussion and (iii) sprained shoulder; (b) incur financial obligations arising from the receipt of medical and health care services; and (c) suffer the loss of wages and/or other income and/or revenue.

10. The city of Maple Heights, Ohio charged Jenkins with assaulting Chapa, in violation of R.C. 2903.13.

11. On September 9, 2019, Jenkins and was convicted of negligently assaulting Chapa, in violation of R.C. 2903.14.

12. The September 2019 conviction was at least the third of Jenkins’ career.

13. In *United States v. Raymond P. Jenkins, Sr.*, United States District Court for the Northern District of Ohio, Case No. 1:98CR4-301, Jenkins was convicted of conspiring to distribute narcotics.

14. When he applied for employment with Sherwood, in September 2006, Jenkins disclosed that he had been convicted of a felony within the preceding seven years.

15. Jenkins gave Sherwood written authorization to investigate his felony conviction history.

16. Sherwood hired Jenkins on September 18, 2006, without investigating his felony conviction history.

17. Sherwood employed Jenkins continuously from September 2006 through at least April 2019.

18. On or about April 4, 2017, in *State of Ohio v. Raymond P. Jenkins, Sr.*, Cuyahoga County Common Pleas Court, Case No. CR-16-611297A, Jenkins was convicted of felonious assault and having a weapon under disability.

19. The felonies for which Jenkins was convicted in Case No. CR-16-611297A occurred on or about October 31, 2016.

20. On December 29, 2020, the Cuyahoga County Common Pleas, in *Michael Chapa v. Raymond P. Jenkins, Sr.*, Case No. CV-19-926750, entered judgment in favor of Chapa and against Jenkins in the amount of \$153,640.88.

**COUNT ONE: Negligent Hiring**

21. Incorporating the allegations contained in the preceding paragraphs, Chapa further alleges that Sherwood negligently hired Jenkins.

22. As a result of its negligent hiring of Jenkins, Sherwood facilitated Jenkins' assault of Chapa, and caused Chapa damages in excess of \$25,000.

**COUNT TWO: Negligent Supervision**

23. Incorporating the allegations contained in paragraphs 1-20, Chapa further alleges that Sherwood negligently supervised Jenkins.

24. As a result of its negligent supervision of Jenkins, Sherwood facilitated his assault of Chapa, and caused Chapa damages in excess of \$25,000.

**COUNT THREE: Negligent Retention**

25. Incorporating the allegations contained in paragraph 1-20, Chapa further alleges that Sherwood negligently retained Jenkins.

26. As a result of its negligent retention of Jenkins, Sherwood facilitated his assault of Chapa, and caused Chapa to be damaged in an amount in excess of \$25,000.

**COUNT FOUR: Premises Liability**

27. Incorporating the allegations contained in paragraphs 1-20, Chapa further alleges that he was a business invitee of Sherwood.

28. Sherwood failed to exercise reasonable care to protect Chapa from Jenkins' assaultive behavior.

29. As a result, Sherwood damaged Chapa in an amount in excess of \$25,000.

**PRAYER FOR RELIEF**

WHEREFORE, Chapa demands that judgment be entered in his favor and against Sherwood in an amount in excess of \$25,000 and that Sherwood be taxed with the costs of this case.

WHEREFORE, Chap prays that this Court enter judgment in his favor and against Sherwood awarding him compensatory damages in excess of \$25,000, and the costs of this action.

Respectfully submitted,

/s/ David J. Kovach  
DAVID J. KOVACH [0021117]  
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*Attorney for Plaintiff*

**JURY TRIAL DEMAND**

Pursuant to Civil Rule 38(B), Plaintiffs demand a trial by jury.

/s/ David J. Kovach  
DAVID J. KOVACH [0021117]



**NAILAH K. BYRD**  
**CUYAHOGA COUNTY CLERK OF COURTS**  
1200 Ontario Street  
Cleveland, Ohio 44113

**Court of Common Pleas**

**NOTICE OF APPEARANCE**  
**March 25, 2021 11:14**

By: BARTHOLOMEW T. FREEZE 0086980

Confirmation Nbr. 2212718

MICHAEL CHAPA

CV 21 944853

vs.

**Judge:** DEBORAH M. TURNER

SHERWOOD TRANSPORTATION INC

Pages Filed: 2

**EXHIBIT**  
**B**

**COMMON PLEAS COURT OF CUYAHOGA COUNTY, OHIO  
CIVIL DIVISION**

<b>MICHAEL CHAPA,</b>	:	<b>No. CV-21-944853</b>
<b>Plaintiff</b>	:	<b>Judge Deborah M. Turner</b>
v.	:	<b><u>NOTICE OF APPEARANCE OF</u></b>
<b>SHERWOOD TRANSPORTATION,</b>	:	<b><u>COUNSEL FOR SHERWOOD</u></b>
<b>INC.,</b>	:	<b><u>TRANSPORTATION, INC.</u></b>
<b>Defendants</b>	:	

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Notice is hereby given of the appearance of Bartholomew T. Freeze and Aaron M. Jones of the law firm of Freund, Freeze & Arnold, LPA, Capitol Square Office Building, 65 East State Street, Suite 800, Columbus, Ohio 43215-4247, as counsel for Defendant, Sherwood Transportation, Inc., in the above-captioned matter. Please provide copies of all pleadings, motions, notices, and other documents to the undersigned.

Respectfully submitted,

/s/ Bartholomew T. Freeze  
Bartholomew T. Freeze (0086980)  
Aaron M. Jones (0096386)  
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*Counsel for Sherwood Transportation, Inc.*



**CERTIFICATE OF SERVICE**

A true and accurate copy of the foregoing was served this 25<sup>th</sup> day of March, 2021, via email upon the following:

David J. Kovach (0021117)  
DJKovach Law LLC  
4500 Rockside Road, Suite 420  
T: (216) 978-7944, F: (216) 920-9998  
davidjkovach@outlook.com  
*Counsel for Plaintiff*

/s/ Bartholomew T. Freeze  
Bartholomew T. Freeze (0086980)

v